

REMARKS/ARGUMENTS

This amendment is accompanied by a petition and fee for a one-month extension of time.

Claims 83-89 and 92-98 remain in this application. Claims 81, 82, 90 and 91 have been cancelled.

Claims 86-88 have been amended to depend only from claim 83. Claim 89 has been amended to incorporate the features of claim 91.

Concerning 35 USC §112

Claims 81-82 and 86-98 stand rejected under 35 USC § 112, first paragraph, on the basis that the expressions "said enzyme not naturally occurring in said secondary metabolic pathway" and "said enzyme not naturally occurring in said phenylpropanoid pathway" in claims 81, 82 and 89 constitute new matter.

This rejection is obviated by the present amendments because the claims, as presently amended, no longer contain these expressions.

Concerning 35 USC §102 and §103

Claims 81, 86, 87, 88, 89, 94, 95 and 98 of record stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 5,948,667 to Cheng *et al.*

Claims 81, 82, 86, 87, 88, 89, 90, 94, 95, 96, 97 and 98 of record stand rejected under 35 USC § 103(a) as being obvious over Murata in view of Willmitzer *et al.* (WO 92/01042).

Claims 81, 82, 86, 87, 88, 89, 90, 94, 95, 96, 97 and 98 stand rejected under 35 USC § 103(a) as being unpatentable over Chapple *et al.* (WO 97/23599) in view of both Kennley (U.S. 5,662,958) and Willmitzer *et al.* (WO 92/01042).

Claims 82, 86, 87, 88, 89, 90, 94, 95, 96, 97 and 98 stand rejected under 35 USC § 103(a) as being unpatentable over Van Doorselaere *et al.* (WO 93/05160) in view of both Kennley (U.S. 5,662,958) and Willmitzer *et al.* (WO 92/01042).

As discussed below under the heading "Allowable Subject Matter", without acquiescing with the rejections of the claims under 35 USC § 102 and 103, and solely for the purpose of expediting prosecution, Applicants have amended the claims to recite subject matter acknowledged by the Examiner to be free of the prior art.

Concerning Allowable Subject Matter

The Examiner acknowledges that claims 83, 84, 85, 91, 92 and 93 are free of the prior art. Claims 83-85 are allowed. Claims 91-93 stand rejected as containing new matter but are acknowledged to be drawn to subject matter that is free of the prior art.

Claims 81, 82, 90 and 91 have been cancelled.

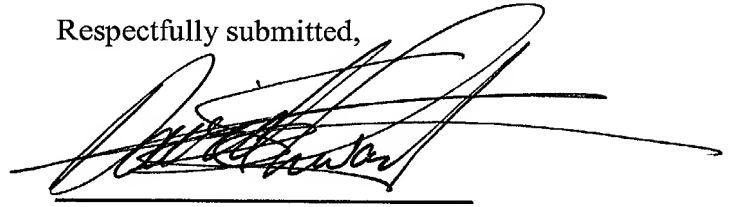
Claims 83-85 have not been amended as they have been allowed. Claims 86-88 have been amended to depend only from claim 83 and are therefore also now in allowable form.

As discussed above, claim 89 has been amended to remove the expression considered by the Examiner to constitute new matter and to incorporate the feature of claim 91, which was acknowledged by the Examiner to be free of the prior art. Claim 92 has been amended to depend from currently amended claim 89, rather than claim 91, which has been cancelled.

Claims 93-98 all depend from claim 89, which has been placed in allowable form, and are accordingly also now in allowable form.

In view of the foregoing, entry of the amendments and timely issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,



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